

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHANE D. MOSLEY, SR,

Plaintiff,

v.

VICTOR CONTE,

Defendant.

No. C 08-01777 JSW

**ORDER ADOPTING REPORT  
AND RECOMMENDATION RE  
SPECIAL MOTION TO STRIKE  
AND MOTIONS FOR  
ATTORNEYS' FEES**

**(Docket Nos. 40, 67, 76 & 115)**

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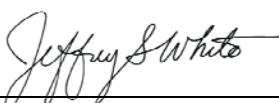
This matter comes before the Court upon consideration of Magistrate Judge Larson's Report and Recommendation (the "Report"), in which he recommends that this Court (1) deny Defendant's special motion to strike Plaintiff's complaint pursuant to California's Anti-SLAPP statute, California Code of Civil procedure § 425.16; (2) deny Defendant's motion for attorneys' fees as the prevailing party on the motion to strike; (3) deny Defendant's motion for sanctions pursuant to the court's inherent powers; and (4) deny Plaintiff's cross-motion for sanctions pursuant to 28 U.S.C. § 1927. Pursuant to Federal Rule of Civil Procedure 72(a), any objections to the Report were due on July 6, 2009. Neither party submitted objections.

The Court concludes that Magistrate Judge Larson's Report is thorough and the Court HEREBY ADOPTS his Report and Recommendation and DENIES Defendant's special motion to strike; DENIES Defendant's motion for attorneys' fees as the prevailing party on the motion to strike; DENIES Defendant's motion for sanctions pursuant to the court's inherent powers;

1 and DENIES Plaintiff's cross-motion for sanctions pursuant to 28 U.S.C. § 1927.

2 **IT IS SO ORDERED.**

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4 Dated: August 28, 2009

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7 JEFFREY S. WHITE  
8 UNITED STATES DISTRICT JUDGE  
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